
HOUSE BILL 2966

State of Washington 60th Legislature 2008 Regular Session

By Representatives Conway, Wood, McIntire, Campbell, Simpson,
Appleton, Hasegawa, and Ormsby

Read first time 01/18/08. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to certification of heating, ventilation, air
2 conditioning, and refrigeration contractors and mechanics; adding a new
3 chapter to Title 18 RCW; creating a new section; prescribing penalties;
4 providing an effective date; and providing expiration dates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this
7 section apply throughout this chapter unless the context clearly
8 requires otherwise.

9 (1) "Applicant" means a person who has submitted the appropriate
10 form or forms to be considered for an HVAC/R mechanic certificate, a
11 temporary HVAC/R mechanic certificate, a trainee certificate, or an
12 HVAC/R operator certificate, as required by the department.

13 (2) "Board" means the HVAC/R board established in section 23 of
14 this act.

15 (3) "Boiler" means a closed vessel in which water is heated, steam
16 is generated, steam is superheated, or a combination thereof, under
17 pressure or vacuum by the application of heat, electricity, or nuclear
18 energy. "Boiler" also includes fired units for heating or vaporizing

1 liquids other than water where these systems are complete within
2 themselves.

3 (4) "BTUH" means British thermal units per hour.

4 (5) "Certified HVAC/R mechanic" means a person who has been issued
5 a valid HVAC/R mechanic certificate under section 15 of this act.

6 (6) "Certified specialty mechanic" means a person who has been
7 issued one or more valid specialty mechanic certificates under section
8 15 of this act.

9 (7) "CFM" means cubic feet per minute.

10 (8) "Department" means the department of labor and industries.

11 (9) "Director" means the director of the department or the
12 director's designee.

13 (10) "Gas company service piping" means gas piping that is owned by
14 or under the control of a gas company and used for transmission or
15 distribution of natural gas to the point of contact at the premises or
16 property supplied or to be supplied, including service connections,
17 meters, or other apparatus or appliance used in the measurement of the
18 consumption of natural gas by the customer.

19 (11) "Gas piping" means pipes, valves, or fittings used to convey
20 fuel gas installed on a premise or in a building. "Gas piping" does
21 not include gas company service piping.

22 (12) "Gas piping work" means to design, fabricate, construct,
23 install, replace, or service gas piping and venting related to gas
24 piping.

25 (13) "Hours of HVAC/R work" means any combination of accrued hours
26 of HVAC/R work performed while:

27 (a) Employed by an HVAC/R contractor or a person exempt from the
28 requirements of chapter 18.27 RCW, chapter 19.28 RCW, or this chapter;

29 (b) Employed by a registered or licensed general or specialty
30 contractor, or the equivalent, in another state or country; or

31 (c) Serving in the United States armed forces.

32 (14) "HVAC" means heating, ventilating, and air conditioning.

33 (15)(a) "HVAC equipment and systems" means equipment necessary for
34 any system that heats, cools, conditions, ventilates, filters,
35 humidifies, or dehumidifies environmental air for residential,
36 industrial, or commercial use, including all related ventilation and
37 ducting systems.

1 (b) "HVAC equipment and systems" does not include: (i) Solid fuel
2 burning devices, such as wood stoves and coal stoves; (ii) gas piping
3 other than that necessary to deliver fuel; or (iii) boilers.

4 (16) "HVAC work" means to design, fabricate, construct, install,
5 replace, service, test, or adjust and balance HVAC equipment and
6 systems.

7 (17) "HVAC/R" means heating, ventilating, air conditioning, and
8 refrigeration.

9 (18) "HVAC/R contractor" means any person who:

10 (a) Advertises for, offers to perform, submits a bid for, or
11 performs any HVAC/R work covered by the provisions of this chapter;

12 (b) Employs anyone, or offers or advertises to employ anyone, to
13 perform any HVAC/R work that is subject to the provisions of this
14 chapter; or

15 (c) Is registered under section 2(1)(b) of this act.

16 (19) "HVAC/R equipment and systems" means HVAC equipment and
17 systems, refrigeration systems, and gas piping.

18 (20) "HVAC/R mechanic certificate" means any of the certificates
19 identified under section 6 of this act.

20 (21) "HVAC/R operator certificate" means the certificate identified
21 under section 9 of this act.

22 (22) "HVAC/R work" means all HVAC work, refrigeration work, and gas
23 piping work not otherwise exempted by this chapter.

24 (23) "Person" or "company," used interchangeably throughout this
25 chapter, means any individual, corporation, partnership, limited
26 partnership, organization, or any other entity whatsoever, whether
27 public or private.

28 (24) "Property management company" means a company that is
29 operating in compliance with state real estate licensing rules and is
30 under contract with a property owner to manage the buildings.

31 (25) "Refrigeration system" means a combination of interconnected
32 refrigerant-containing parts constituting one closed refrigerant
33 circuit in which a refrigerant is circulated for the purpose of
34 extracting heat and includes systems in which a secondary coolant,
35 cooled or heated by the refrigeration system, is circulated to the air
36 or other substance to be cooled or heated.

37 (26) "Refrigeration work" means to design, fabricate, construct,
38 install, replace, or service refrigeration systems.

1 (27) "Service" means to repair, modify, or perform other work
2 required for the normal continued performance of HVAC/R equipment and
3 systems.

4 (28) "Specialty certificate" means any of the certificates
5 identified under section 5 of this act.

6 (29) "Technical college" means a public community or technical
7 college, or a not-for-profit nationally accredited technical or trade
8 school licensed by the workforce training and education coordinating
9 board under chapter 28C.10 RCW.

10 (30) "Temporary certificate" means any of the certificates issued
11 under section 7 of this act.

12 (31) "Trainee" means a person who has been issued a trainee
13 certificate by the department under section 8 of this act.

14 (32) "Trainee certificate" means any certificate issued under
15 section 8 of this act.

16 (33) "Valid" means not expired, revoked, or suspended.

17 NEW SECTION. **Sec. 2.** CONTRACTOR REGISTRATION--CONCURRENT
18 REGISTRATION--REQUIREMENTS. (1) Except as provided in this chapter, it
19 is unlawful for:

20 (a) Any person to engage in business as an HVAC/R contractor,
21 within the state, without having been issued a valid registration as a
22 contractor under chapter 18.27 RCW;

23 (b) Any person to engage in business as an HVAC/R contractor,
24 within the state, without having been issued a valid registration as an
25 HVAC/R contractor from the department; and

26 (c) Any person, on and after January 1, 2010, to employ a person to
27 perform or offer to perform HVAC/R work who has not been issued a valid
28 HVAC/R mechanic certificate, specialty certificate, temporary HVAC/R
29 mechanic certificate, trainee certificate, or HVAC/R operator
30 certificate issued by the department under this chapter.

31 (2) The department shall prescribe an application form to be used
32 to apply for an HVAC/R contractor registration under this chapter, and
33 shall ensure that the person applying for an HVAC/R contractor
34 registration is also a registered general or specialty contractor under
35 chapter 18.27 RCW before it issues that person an HVAC/R contractor
36 registration.

1 (3) For a person who may be issued two or more registrations or
2 licenses provided for in chapter 18.27 RCW, chapter 19.28 RCW, or this
3 chapter, the department shall establish a single registration/licensing
4 document. The document shall list all of the person's registrations
5 and licenses.

6 (4) Regardless of when the HVAC/R contractor registration is
7 issued, it shall become suspended, revoked, expired, or renewed at the
8 same time as the registration issued under chapter 18.27 RCW.

9 (5) No bond or security in addition to that required of
10 contractors under chapter 18.27 RCW shall be required of an HVAC/R
11 contractor under this chapter.

12 (6) This section does not apply to:

13 (a) A person who is contracting for HVAC/R work on his or her own
14 residence; or

15 (b) Property management companies whose employees perform only
16 HVAC/R work exempted under section 4 of this act.

17 NEW SECTION. **Sec. 3.** CERTIFICATE REQUIRED--LOCAL PREEMPTION. (1)
18 Except as provided in this chapter, it is unlawful for any person, on
19 and after January 1, 2010, to perform or offer to perform HVAC/R work
20 without having been issued a valid HVAC/R mechanic certificate,
21 specialty certificate, temporary HVAC/R mechanic certificate, or
22 trainee certificate under this chapter.

23 (2) No political subdivision of the state shall require a person
24 possessing a valid HVAC/R certificate, specialty certificate, temporary
25 HVAC/R mechanic certificate, trainee certificate issued by the
26 department under this chapter, or any person who is exempted under this
27 chapter to demonstrate any additional proof of competency in, obtain
28 any license for, or pay any fee to perform HVAC/R work in that
29 political subdivision.

30 (3) The department, with approval of the HVAC/R board, may adopt
31 rules to establish specific criteria for recognizing a national
32 certification for propane gas in place of an appropriate or equivalent
33 level of certification required under this chapter.

34 NEW SECTION. **Sec. 4.** EXEMPTIONS FROM CERTIFICATION. (1) The
35 provisions of section 3(1) of this act do not apply to a person:

1 (a) Cleaning or replacing air filters, lubricating bearings,
2 replacing fan belts, cleaning evaporators or condensers, cleaning
3 cooling towers, or equipment logging on any HVAC/R equipment or
4 systems;

5 (b) Performing HVAC/R work on HVAC/R equipment or systems that:
6 (i) Contain six pounds or less of any refrigerant and is actuated by a
7 motor or engine having a standard rating of one-quarter horsepower or
8 less; or (ii) are an absorption system that has a rating of one-quarter
9 ton or less refrigeration effect;

10 (c) Setting oil tanks and related piping to a furnace;

11 (d) Setting propane tanks and related piping outside a building;

12 (e) Performing gas piping work on fuel burning appliances and
13 systems with a maximum capacity of five hundred thousand BTUH pursuant
14 to a valid certificate issued under chapter 18.106 RCW;

15 (f) Performing HVAC/R work at his or her residence, farm, place of
16 business, or on other property owned by him or her, unless the HVAC/R
17 work is performed in the construction of a new building intended for
18 rent, sale, or lease;

19 (g) Performing HVAC/R work on his or her own property or to
20 regularly employed persons working on the premises of their employer,
21 unless the HVAC/R work is performed in the construction of a new
22 building intended for rent, sale, or lease;

23 (h) Performing HVAC/R work for or on behalf of a gas company when
24 such HVAC/R work is incidental to the business of delivering natural
25 gas to the premises. For the purposes of this chapter, "gas company"
26 has the same meaning as in RCW 80.04.010;

27 (i) Licensed under chapter 18.08 or 18.43 RCW who is designing
28 HVAC/R equipment or systems, but who is not otherwise performing HVAC/R
29 work;

30 (j) Making a like-in-kind replacement of a household appliance; or
31 (k) Installing wood or pellet stoves.

32 (2) Nothing in this section precludes any person who is exempted
33 under this section from obtaining an HVAC/R mechanic certificate,
34 specialty certificate, temporary HVAC/R mechanic certificate, trainee
35 certificate, or HVAC/R operator certificate if they otherwise meet the
36 requirements of this chapter.

1 NEW SECTION. **Sec. 5.** SPECIALTY CERTIFICATES--SCOPE OF WORK. The
2 department may issue the following specialty certificates to an
3 applicant who has successfully met the requirements under this chapter
4 for a specialty certificate, and the scope of work that may be
5 performed by a person under each of the specialty certificates is as
6 follows:

7 (1) Gas piping specialty mechanic I. A person issued a gas piping
8 specialty mechanic I certificate may perform gas piping work on fuel
9 burning appliances and systems with a maximum capacity of five hundred
10 thousand BTUH.

11 (2) Refrigeration specialty mechanic I. A person issued a
12 refrigeration specialty mechanic I certificate may perform
13 refrigeration work on a refrigeration system with one or more
14 compressors not exceeding ninety thousand BTUH per compressor using
15 class A1 refrigerants.

16 (3) HVAC specialty mechanic I. A person issued an HVAC specialty
17 mechanic I certificate may perform HVAC work on HVAC equipment and
18 systems of seven and one-half tons or less or HVAC equipment and
19 systems of three thousand three hundred seventy-five CFM or less.

20 (4) Refrigeration specialty mechanic II. A person issued a
21 refrigeration specialty mechanic II certificate may perform:

22 (a) Refrigeration work authorized to be performed by a
23 refrigeration specialty mechanic I;

24 (b) Installation or replacement of a self-contained refrigeration
25 system up to three hundred thousand BTUH; and

26 (c) With the exception of installation or replacement,
27 refrigeration work on a refrigeration system with one or more
28 compressors not exceeding three hundred thousand BTUH per compressor
29 using class A1 refrigerants.

30 (5) HVAC specialty mechanic II. A person issued an HVAC specialty
31 mechanic II certificate may perform:

32 (a) HVAC work authorized to be performed by an HVAC specialty
33 mechanic I; and

34 (b) HVAC work on HVAC equipment and systems of twenty tons or less
35 or HVAC equipment and systems of nine thousand CFM or less.

36 (6) Gas piping specialty mechanic III. A person issued a gas
37 piping specialty mechanic III certificate may perform all gas piping
38 work on any fuel burning appliances and systems.

1 (7) Refrigeration specialty mechanic III. A person issued a
2 refrigeration specialty mechanic III certificate may perform
3 refrigeration work on any refrigeration system using any refrigerant.

4 (8) HVAC specialty mechanic III. A person issued an HVAC specialty
5 mechanic III certificate may perform all HVAC work on HVAC equipment
6 and systems.

7 NEW SECTION. **Sec. 6.** HVAC/R MECHANIC CERTIFICATES--SCOPE OF WORK.

8 The department may issue the following HVAC/R mechanic certificates to
9 an applicant who has successfully met the requirements under this
10 chapter for an HVAC/R certificate, and the scope of work that may be
11 performed by a person under each of the HVAC/R mechanic certificates is
12 as follows:

13 (1) HVAC/R mechanic I. A person issued an HVAC/R mechanic I
14 certificate may perform:

15 (a) Gas piping work authorized to be performed by a gas piping
16 specialty mechanic I;

17 (b) Refrigeration work authorized to be performed by a
18 refrigeration specialty mechanic I; and

19 (c) HVAC work authorized to be performed by an HVAC specialty
20 mechanic I.

21 (2) HVAC/R mechanic II. A person issued an HVAC/R mechanic II
22 certificate may perform:

23 (a) Gas piping work authorized to be performed by a gas piping
24 specialty mechanic I;

25 (b) Refrigeration work authorized to be performed by a
26 refrigeration specialty mechanic II; and

27 (c) HVAC work authorized to be performed by an HVAC specialty
28 mechanic II.

29 (3) HVAC/R mechanic III. A person issued an HVAC/R mechanic III
30 certificate may perform:

31 (a) Gas piping work authorized to be performed by a gas piping
32 specialty mechanic III;

33 (b) Refrigeration work authorized to be performed by a
34 refrigeration specialty mechanic III; and

35 (c) HVAC work authorized to be performed by an HVAC specialty
36 mechanic III.

1 NEW SECTION. **Sec. 7.** TEMPORARY HVAC/R CERTIFICATE--APPLICATION--
2 EXAMINATION REQUIRED. (1) On and after January 1, 2010, a person who
3 has performed HVAC/R work in other states or countries may, in a form
4 and manner prescribed by the department, apply for a temporary HVAC/R
5 mechanic certificate to perform HVAC/R work in this state. The
6 application shall contain evidence of the person's hours of HVAC/R work
7 in the other states or countries that is verifiable by the department.

8 (2) Upon review of the application provided in subsection (1) of
9 this section, the department may:

10 (a) If the applicant has accrued less than two thousand hours of
11 HVAC/R work, not issue a temporary HVAC/R mechanic certificate;

12 (b) If the applicant has accrued two thousand hours or more, but
13 less than four thousand hours of HVAC/R work, issue a temporary HVAC/R
14 mechanic I certificate;

15 (c) If the applicant has accrued four thousand hours or more, but
16 less than eight thousand hours of HVAC/R work, issue a temporary HVAC/R
17 mechanic II certificate; or

18 (d) If the applicant has accrued eight thousand hours or more of
19 HVAC/R work, issue a temporary HVAC/R mechanic III certificate.

20 (3) The temporary HVAC/R mechanic certificate issued under this
21 section shall clearly indicate on the document that it is temporary in
22 nature and contain the period for which it is valid.

23 (4) A person issued a temporary HVAC/R mechanic certificate shall
24 have that certificate in his or her possession when performing any
25 HVAC/R work and shall show the certificate to any authorized
26 representative of the department upon request.

27 (5) A person issued a temporary HVAC/R mechanic certificate under
28 this section may only perform the scope of work authorized under
29 section 6 of this act for the equivalent HVAC/R mechanic certificate
30 and may not supervise any person with a trainee certificate issued
31 under this chapter.

32 (6) A temporary HVAC/R mechanic certificate issued under this
33 section shall be valid for ninety days from the date the applicant
34 submitted their application to the department or until the date the
35 department furnishes to the applicant the results of their examination
36 for the equivalent HVAC/R mechanic certificate, whichever is later.
37 The applicant must take the examination provided under this chapter for

1 the equivalent HVAC/R mechanic certificate within the ninety-day period
2 granted under this subsection.

3 NEW SECTION. **Sec. 8.** TRAINEE CERTIFICATE. (1) A person may, in
4 a form and manner prescribed by the department, apply for a trainee
5 certificate to perform HVAC/R work in the state.

6 (2) Upon receipt of the application, the department shall issue a
7 trainee certificate to the applicant.

8 (3) The HVAC/R work performed under a trainee certificate issued
9 pursuant to this section must be:

10 (a) Within the scope of work authorized under that certificate;

11 (b) On the same job site and under the direction of an
12 appropriately certified HVAC/R mechanic or an appropriately certified
13 specialty mechanic; and

14 (c) Under the applicable supervision ratios required in section 16
15 of this act.

16 (4) A trainee shall have his or her certificate in his or her
17 possession when performing any HVAC/R work and shall show the
18 certificate to any authorized representative of the department upon
19 request.

20 (5) A trainee certificate shall be valid for a maximum of two years
21 and shall expire on the trainee's birthdate. The certificate shall
22 include the expiration date.

23 (6) The department may only renew a training certificate when the
24 trainee provides the department with:

25 (a) An accurate list of the persons who employed the trainee in
26 HVAC/R work for the previous two-year period and the number of hours of
27 HVAC/R work performed under each employer; and

28 (b) Evidence that the trainee has met the continuing education
29 requirements in section 18 of this act.

30 (7) If a person applies for a trainee certificate under this
31 section and electrical trainee status under chapter 19.28 RCW, the
32 department shall create a single document for that person that
33 represents this concurrent trainee status.

34 (8) A trainee who has not successfully passed any portion of the
35 examinations provided for in section 12 of this act is prohibited from
36 performing HVAC/R work in excess of two thousand hours beyond the

1 amount of hours required to become eligible under the requirements of
2 section 13(2)(c) of this act to take the examination for an HVAC/R
3 mechanic III certificate.

4 NEW SECTION. **Sec. 9.** HVAC/R OPERATOR CERTIFICATION. (1) An
5 HVAC/R operating engineer may, in a form and manner prescribed by the
6 department, apply for an HVAC/R operator certificate. For the purposes
7 of this subsection, "HVAC/R operating engineer" means a full-time
8 employee who spends a substantial portion of time in the maintenance
9 and operation of HVAC/R equipment and systems in a building, or portion
10 thereof, used for occupant comfort, manufacturing, processing, or
11 storage of materials or products including, but not limited to,
12 chemicals, food, candy, and ice cream factories, ice-making plants,
13 meat packing plants, refineries, perishable food warehouses, hotels,
14 hospitals, restaurants, and similar occupancies and equipped with a
15 refrigeration system and whose duty it is to operate, maintain, and
16 keep safe and in serviceable condition all of the employer's HVAC/R
17 equipment and systems.

18 (2) The department may issue an HVAC/R operator certificate to an
19 applicant who has successfully passed the examination provided for in
20 subsection (8) of this section.

21 (3) The scope of work that may be performed by a person under an
22 HVAC/R operator certificate is as follows:

23 (a) Cleaning or replacing air filters, lubricating bearings,
24 replacing fan belts, cleaning evaporators or condensers, cleaning
25 cooling towers, or equipment logging on any HVAC/R equipment or
26 systems; or

27 (b) Performing minor HVAC/R equipment and systems repair and HVAC/R
28 work on sealed HVAC/R equipment and systems.

29 (4) A person who performs HVAC/R work on HVAC/R equipment or
30 systems that: (a) Contain six pounds or less of any refrigerant and is
31 actuated by a motor or engine having a standard rating of one-quarter
32 horsepower or less; or (b) are an absorption system that has a rating
33 of one-quarter ton or less refrigeration effect, is not required to
34 obtain a certificate under this section.

35 (5) Any person issued a valid refrigeration operating engineer
36 license by the city of Seattle shall be issued an HVAC/R operator
37 certificate without meeting any additional requirements.

1 (6) A person issued a valid HVAC/R operator certificate under this
2 section shall have his or her certificate in his or her possession when
3 performing any HVAC/R work and shall show the certificate to any
4 authorized representative of the department upon request.

5 (7) An HVAC/R operator certificate issued under this section shall
6 be valid for a maximum of three years and shall expire on the holder's
7 birthdate. The certificate shall include the expiration date.

8 (8) The department shall develop an examination that an applicant
9 must pass before they can be issued an HVAC/R operator certificate
10 under this section. The exam shall be comparable to the current
11 refrigeration operating engineer license test used by the city of
12 Seattle.

13 (9) The hours accrued as an HVAC/R operating engineer under this
14 section may accrue towards the hours required to be eligible to take an
15 examination for an HVAC/R mechanic certificate under section 13 of this
16 act only if the HVAC/R operating engineer is supervised by an
17 appropriately certified HVAC/R mechanic or appropriately supervised
18 specialty mechanic and was issued a trainee certificate under section
19 8 of this act.

20 NEW SECTION. **Sec. 10.** HVAC/R MECHANIC CERTIFICATION WITHOUT
21 EXAMINATION. (1) From January 1, 2009, until December 31, 2009, a
22 person who has performed HVAC/R work may, in a form and manner
23 prescribed by the department, apply for an HVAC/R mechanic certificate
24 without examination. The application shall contain evidence of the
25 person's hours of HVAC/R work or other required information that is
26 verifiable by the department.

27 (2) Upon review of the application provided in subsection (1) of
28 this section, the department shall:

29 (a) If the applicant has, since January 1, 1988, accrued less than
30 two thousand hours of HVAC/R work, not issue any HVAC/R mechanic
31 certificate;

32 (b) If the applicant has, since January 1, 1988, accrued two
33 thousand hours or more, but less than four thousand hours of HVAC/R
34 work, issue an HVAC/R mechanic I certificate;

35 (c) If the applicant has, since January 1, 1988, accrued four
36 thousand hours or more, but less than eight thousand hours of HVAC/R
37 work, issue an HVAC/R mechanic II certificate; or

- 1 (d) If the applicant has, since January 1, 1988:
2 (i) Accrued eight thousand hours or more of HVAC/R work;
3 (ii) Completed an appropriately related apprenticeship program
4 approved under chapter 49.04 RCW; or
5 (iii) Completed an appropriately related apprenticeship program in
6 another state or country equivalent to that provided in chapter 49.04
7 RCW, issue an HVAC/R mechanic III certificate.
8 (3) Once the appropriate level of HVAC/R mechanic certificate is
9 issued to a person under this section, that person shall become subject
10 to the other provisions of this chapter for any additional
11 certifications.
12 (4) This section expires January 1, 2010.

13 NEW SECTION. **Sec. 11.** SPECIALTY CERTIFICATION WITHOUT
14 EXAMINATION. (1) From January 1, 2009, until December 31, 2009, a
15 person who has performed HVAC/R work may, in a form and manner
16 prescribed by the department, apply for specialty certificates without
17 examination. The application shall contain evidence of the person's
18 hours of HVAC/R work or other required information that is verifiable
19 by the department.

20 (2) Upon review of the application provided in subsection (1) of
21 this section, the department shall:

22 (a) If the applicant holds a valid journey refrigeration mechanic
23 license issued by the city of Seattle, issue a refrigeration specialty
24 mechanic III certificate and an HVAC specialty mechanic III
25 certificate;

26 (b) If the applicant has, since January 1, 1988, accrued one
27 thousand hours of gas piping work, issue a gas piping specialty
28 mechanic I certificate;

29 (c) If the applicant was licensed in any local jurisdiction to
30 perform gas piping work on fuel burning appliances or systems with a
31 maximum capacity of five hundred thousand BTUH or less, issue a gas
32 piping specialty mechanic I certificate; and

33 (d) If the applicant was licensed in any local jurisdiction to
34 perform all gas piping work on any fuel burning appliances and systems,
35 issue a gas piping specialty mechanic III certificate.

36 (3) The specialty certificates provided for in subsection (2) of

1 this section shall be in addition to any HVAC/R mechanic certificate
2 issued by the department under section 10 of this act.

3 (4) Once the appropriate level of specialty certificate is issued
4 to a person under this section, that person shall become subject to the
5 other provisions of this chapter for any additional certifications.

6 (5) This section expires January 1, 2010.

7 NEW SECTION. **Sec. 12. EXAMINATION.** (1) The department, with
8 advice from the board, shall prepare three separate examinations for
9 the assessment of each level of HVAC/R mechanic certification created
10 in section 6 of this act. Within each examination, there shall be a
11 distinct portion that assesses the competency of the applicant in the
12 appropriate level of gas piping work, refrigeration work, and HVAC
13 work. The department shall adopt rules necessary to implement this
14 section.

15 (2) The examinations provided for under this section shall be
16 constructed to determine:

17 (a) Whether the applicant possesses general knowledge of the
18 technical information and practical procedures that are identified
19 within the relevant scope of work; and

20 (b) Whether the applicant is familiar with the applicable laws and
21 administrative rules of the department pertaining to the relevant scope
22 of work.

23 (3) The department, with advice from the board, may enter into a
24 contract with a professional testing agency to develop, administer, and
25 score the examinations provided for in this section.

26 (4) The department must administer, at least four times annually,
27 each examination provided under this section to applicants who are
28 eligible for examination under this chapter.

29 (5) The department must certify the results of each examination
30 administered under this section upon the terms and after such a period
31 of time as the department, with the advice of the board, deems
32 necessary and proper.

33 (6) A person may be given the appropriate level of examination they
34 are eligible to take as many times as necessary without limit.

35 (7) The department, with the advice of the board, shall adopt
36 policies and procedures to make examinations available in alternative

1 languages or formats to accommodate all applicants who are eligible for
2 examination under this chapter.

3 NEW SECTION. **Sec. 13.** APPLICATION FOR EXAMINATION--ELIGIBILITY.

4 (1) A person with a valid temporary HVAC/R mechanic certificate or
5 trainee certificate may, in a form and manner prescribed by the
6 department, apply for any of the examinations provided for in section
7 12 of this act. The application shall contain evidence of the person's
8 hours of HVAC/R work or other required information that is verifiable
9 by the department.

10 (2) Upon receipt of an application for examination under this
11 section, the department shall review the application and determine
12 whether the applicant is eligible to take an examination for an HVAC/R
13 mechanic certificate using the following criteria:

14 (a) HVAC/R mechanic I certificate. To be eligible to take the
15 examination for an HVAC/R mechanic I certificate, the applicant must
16 have:

17 (i) Performed a minimum of one thousand hours of HVAC/R work and
18 the entire amount of those hours must be supervised;

19 (ii) Performed two thousand hours of HVAC/R work and seventy-five
20 percent of those hours must be supervised; or

21 (iii) Successfully completed an appropriately related
22 apprenticeship program approved under chapter 49.04 RCW that meets the
23 requirements of this level of certification.

24 (b) HVAC/R mechanic II certificate. To be eligible to take the
25 examination for an HVAC/R mechanic II certificate, the applicant must
26 have:

27 (i) Performed a minimum of four thousand hours of HVAC/R work and
28 seventy-five percent of those hours must be supervised; or

29 (ii) Successfully completed an appropriately related apprenticeship
30 program approved under chapter 49.04 RCW that meets the requirements of
31 this level of certification.

32 (c) HVAC/R mechanic III certificate. To be eligible to take the
33 examination for an HVAC/R mechanic III certificate, the applicant must
34 have:

35 (i) Performed under appropriate supervision levels the amount of
36 HVAC/R work required for an HVAC/R mechanic II certificate under (b)(i)

1 of this subsection plus an additional two thousand hours and the entire
2 amount of the additional hours required under this subsection must be
3 supervised;

4 (ii) Performed HVAC/R work for a minimum of eight thousand hours
5 and seventy-five percent of those hours must be supervised; or

6 (iii) Successfully completed an appropriately related
7 apprenticeship program under chapter 49.04 RCW that meets the
8 requirements of this level of certification.

9 (3) For the purposes of this section, "supervised" means:

10 (a) A person has performed HVAC/R work on the same job site and
11 under the direction of an appropriately certified HVAC/R mechanic or an
12 appropriately certified specialty mechanic; and

13 (b) The appropriate supervision ratios required in section 16 of
14 this act were followed.

15 (4) If any of an applicant's certificates issued prior to the
16 current application have been revoked, the department may deny the
17 current application for up to two years.

18 (5) Upon determining that the applicant is eligible to take an
19 examination under this section, the department shall so notify the
20 applicant, indicating the time and place for taking the examination.

21 (6) Work hours being accrued by an applicant as hours of HVAC/R
22 work under this chapter or towards electrical certification under
23 chapter 19.28 RCW may be credited for both the hours of HVAC/R work
24 required under this chapter and the hours of work required under
25 chapter 19.28 RCW.

26 (7) If an applicant is eligible for an examination under this
27 section and an examination under chapter 19.28 RCW, the department may
28 administer all such examinations at the same examination session.
29 However, upon request of the applicant, the department may administer
30 each examination at the time required in statute or rule for each
31 examination.

32 NEW SECTION. **Sec. 14.** ALTERNATIVES TO WORK EXPERIENCE. (1) A
33 person who has applied for an examination under section 13 of this act
34 and who has successfully completed a board-approved program in HVAC/R
35 work at a technical college, may substitute technical college program
36 hours for hours of HVAC/R work as follows:

	Type of Certificate	Substitution for Hours of HVAC/R Work
(a)	HVAC/R Mechanic I	Up to 1,000 hours of technical college program may be substituted for up to 1,000 hours of HVAC/R work.
(b)	HVAC/R Mechanic II	Up to 2,000 hours of technical college program may be substituted for up to 2,000 hours of required HVAC/R work.
(c)	HVAC/R Mechanic III	Up to 4,000 hours of technical college program may be substituted for up to 4,000 hours of HVAC/R work.

(2) A person who has applied for an examination under section 13 of this act and who has received training in HVAC/R work in the United States armed forces may substitute those training hours for hours of HVAC/R work subject to approval of the department.

(3) The department shall determine whether program hours accrued under subsection (1) of this section or the training hours accrued under subsection (2) of this section are in HVAC/R work and are appropriate as a substitute for hours of HVAC/R work.

NEW SECTION. **Sec. 15.** ISSUANCE OF CERTIFICATES FOLLOWING EXAMINATION--RENEWAL. (1) If an applicant passes all portions of the examination administered to him or her under this act, that person:

(a) Is entitled to be issued the appropriate level of HVAC/R mechanic certificate; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(2) If an applicant fails to pass one or more portions of an examination administered to him or her under this act, that person:

(a) Is still entitled to be issued the appropriate specialty certificate for each portion of the examination that was passed; and

(b) Is subject to the other provisions of this chapter for additional certifications.

(3) An HVAC/R mechanic certificate or specialty certificates issued under this section shall be valid for a maximum of three years and shall expire on the holder's birthdate. All certificates shall include the expiration date.

1 (4) A person issued an HVAC/R mechanic certificate or specialty
2 certificates under this section may only perform the scope of work
3 authorized under sections 5 and 6 of this act for those certificates.

4 (5) A person issued an HVAC/R mechanic certificate or specialty
5 certificates shall have those certificates in his or her possession
6 when performing any HVAC/R work and shall show the certificates to any
7 authorized representative of the department upon request.

8 (6) The department shall renew an HVAC/R mechanic certificate or
9 specialty certificates issued under this section if the person issued
10 the certificates:

11 (a) Applies for renewal of his or her certificates not more than
12 ninety days after the certificates expire; and

13 (b) Has complied with the continuing education requirement in
14 section 18 of this act.

15 (7) The department may not renew a certificate that has been
16 revoked or suspended.

17 (8) The department may deny renewal of a certificate if the person
18 seeking renewal owes outstanding penalties for a final judgment under
19 this chapter.

20 (9) The department shall create a single document and establish a
21 single expiration date for a person who holds two or more certificates
22 or specialty certificates under chapter 18.106 RCW, chapter 19.28 RCW,
23 and this chapter. The document shall list all of the person's
24 certificates and specialty certificates.

25 NEW SECTION. **Sec. 16.** SUPERVISION RATIOS--SUPERVISION. (1) The
26 ratio of trainees to appropriately certified HVAC/R mechanics or
27 appropriately certified specialty mechanics on the same job site must
28 not be greater than:

29 (a) For trainees not in a technical college program, two trainees
30 to each appropriately certified HVAC/R mechanic or appropriately
31 certified specialty mechanic; or

32 (b) For trainees in a technical college program, four trainees to
33 each appropriately certified HVAC/R mechanic or appropriately certified
34 specialty mechanic.

35 (2) When the ratio of trainees to appropriately certified HVAC/R
36 mechanics or appropriately certified specialty mechanics on a job site
37 is one appropriately certified HVAC/R mechanic or appropriately

1 certified specialty mechanic to one or two trainees, the appropriately
2 certified HVAC/R mechanic or appropriately certified specialty mechanic
3 must be on the same job site as the trainees for a minimum of seventy-
4 five percent of each working day.

5 (3) When the ratio of trainees to appropriately certified HVAC/R
6 mechanics or appropriately certified specialty mechanics on a job site
7 is one appropriately certified HVAC/R mechanic or appropriately
8 certified specialty mechanic to three or four trainees, the
9 appropriately certified HVAC/R mechanic or appropriately certified
10 specialty mechanic must:

11 (a) Directly supervise and instruct the trainees and may not
12 directly make or engage in HVAC/R work; and

13 (b) Be on the same job site as the trainees for one hundred percent
14 of each working day.

15 (4) Hours of HVAC/R work that are performed when the supervision
16 ratios are not in compliance with this section do not qualify as
17 supervised hours when accruing hours of HVAC/R work under this chapter.

18 (5) Notwithstanding any other provision of this chapter, a person:

19 (a) Who has successfully completed, or is currently enrolled in, an
20 approved appropriately related apprenticeship program or an HVAC/R
21 program at a technical college may perform, unsupervised, the remaining
22 six months of the experience requirements of this chapter;

23 (b) Determined to be eligible for examination under section
24 13(2)(a)(i) of this act and who passes all portions of that
25 examination, may perform, unsupervised, the remaining one thousand
26 hours of HVAC/R work required under this chapter for an HVAC/R mechanic
27 I certificate. However, all HVAC/R work performed by this person must
28 be within the scope of work for an HVAC/R mechanic I certificate and
29 this person may not supervise other trainees until they have completed
30 the full two thousand hours of HVAC/R work required by this act;

31 (c) Determined to be eligible for examination under section
32 13(2)(c)(i) of this act and who passes all portions of that
33 examination, may perform, unsupervised, the remaining two thousand
34 hours of HVAC/R work required under this chapter for an HVAC/R mechanic
35 III certificate. However, all HVAC/R work performed by this person
36 must be within the scope of work for an HVAC/R mechanic III certificate
37 and this person may not supervise other trainees until they have

1 completed the full eight thousand hours of HVAC/R work required by this
2 act.

3 NEW SECTION. **Sec. 17.** CONTRACTOR REPORTING--AUDIT OF RECORDS.

4 (1) Every person who employs a trainee performing HVAC/R work shall
5 report to the department:

6 (a) The names and certificate numbers of any trainee who performed
7 HVAC/R work for them and the hours of HVAC/R work performed by each
8 trainee; and

9 (b) The names and certificate numbers of the appropriately
10 certified HVAC/R mechanics or appropriately certified specialty
11 mechanics who supervised the trainees identified in (a) of this
12 subsection.

13 (2) Every person who reported hours of HVAC/R work performed by
14 trainees under subsection (1) of this section shall attest that all of
15 the reported hours of HVAC/R work performed by trainees was in
16 compliance with the supervision ratio requirements in section 16 of
17 this act.

18 (3) The department may audit the records of a person who reported
19 hours of HVAC/R work performed by trainees under subsection (1) of this
20 section in the following circumstances: (a) Excessive hours were
21 reported; (b) hours were reported outside the normal course of the
22 HVAC/R contractor's business; (c) the type of hours reported do not
23 reasonably match the type of permits purchased; or (d) for other
24 similar circumstances in which the department demonstrates a likelihood
25 of excessive hours being reported. The department shall limit the audit
26 to records necessary to verify hours.

27 (4) Information obtained by the department from any person under
28 this section is confidential and exempt from public disclosure under
29 chapter 42.56 RCW.

30 NEW SECTION. **Sec. 18.** CONTINUING EDUCATION. (1) A person issued
31 an HVAC/R mechanic certificate or any specialty certificates under this
32 chapter must, prior to the renewal date on their certificate,
33 demonstrate satisfactory completion of twenty-four hours of continuing
34 education.

35 (2) The department, with the advice of the board, shall determine
36 the contents of the continuing education courses required in subsection

1 (1) of this section and establish the requirements for satisfactory
2 completion of such courses. If the department determines that a
3 continuing education course offered in another state is comparable to
4 courses offered in Washington, the department shall accept proof of
5 satisfactory completion of the out-of-state course as meeting the
6 continuing education requirement in this section.

7 (3) A trainee must, prior to the renewal date on their certificate,
8 demonstrate satisfactory completion of sixty hours of related
9 supplemental instruction or equivalent training courses, or courses
10 taken as part of an appropriately related apprenticeship program
11 approved under chapter 49.04 RCW.

12 (4) The department, with the advice of the board, shall determine
13 the contents of the related supplemental instruction or equivalent
14 training courses, or courses taken as part of an appropriately related
15 apprenticeship program approved under chapter 49.04 RCW required under
16 subsection (3) of this section, and establish the requirements for
17 satisfactory completion of such courses.

18 (5) All hours required under this section shall be accrued
19 concurrently and shall not exceed sixty hours for any person in any
20 certificate renewal period.

21 (6) Hours of approved continuing education required under this
22 section and hours of approved continuing education required under
23 chapter 19.28 RCW may be accrued concurrently. However, nothing in
24 this subsection shall be construed to relieve any person from having to
25 complete any continuing education mandated by the department by rule
26 pursuant to this chapter or pursuant to chapter 19.28 RCW.

27 NEW SECTION. **Sec. 19.** RECIPROCITY. The department may enter into
28 a reciprocity agreement with another state whose certification
29 requirements are equal to the standards set under this chapter. The
30 reciprocity agreement shall provide for the acceptance of Washington
31 and the other state's certification program or its equivalent by
32 Washington and the other state.

33 NEW SECTION. **Sec. 20.** SUSPENSION AND REVOCATION. (1) The
34 department may revoke any certificate issued under this chapter if the
35 department determines that the recipient: (a) Obtained the certificate

1 through error or fraud; (b) is incompetent to perform HVAC/R work; or
2 (c) committed a violation of this chapter or rules adopted under this
3 chapter that presents imminent danger to the public.

4 (2) The department shall immediately suspend the certificates of
5 any person who has been certified pursuant to RCW 74.20A.320 by the
6 department of social and health services as a person who is not in
7 compliance with a support order. If the person has continued to meet
8 all other requirements for reinstatement during the suspension,
9 reissuance of the certificate shall be automatic upon the department's
10 receipt of a release issued by the department of social and health
11 services stating that the person is in compliance with the order.

12 NEW SECTION. **Sec. 21.** APPLICATION OF ADMINISTRATIVE PROCEDURE
13 ACT. The proceedings for denying applications, suspending or revoking
14 certificates, and imposing civil penalties or other remedies issued
15 pursuant to this chapter and any appeal from those proceedings or
16 review of those proceedings shall be governed by the provisions of the
17 administrative procedure act, chapter 34.05 RCW.

18 NEW SECTION. **Sec. 22.** LIABILITY. (1) This chapter may not be
19 construed to relieve from or lessen the responsibility or liability of
20 any person for injury or damage to person or property caused by or
21 resulting from any HVAC/R work performed by the person.

22 (2) The state of Washington and its officers, agents, and
23 employees may not be held liable for any acts performed pursuant to
24 this chapter.

25 NEW SECTION. **Sec. 23.** HVAC/R BOARD. (1) An HVAC/R board is
26 established.

27 (2) The board shall consist of thirteen members to be appointed by
28 the governor with the advice of the director.

29 (a) Four members shall be certified HVAC/R mechanics, of which at
30 least one, but not more than two, shall be a certified HVAC/R mechanic
31 performing HVAC/R work east of the crest of the Cascade mountains.

32 (b) Four members shall be HVAC/R contractors, of which at least
33 one, but not more than two, shall be an HVAC/R contractor doing
34 business east of the crest of the Cascade mountains.

1 (c) One member shall be from the general public and be familiar
2 with HVAC/R work.

3 (d) One member shall be a building operator representing the
4 commercial property management industry.

5 (e) One member shall be from the stationary operating engineers.

6 (f) One member shall be from a technical college or an approved
7 apprenticeship training program.

8 (g) One member shall be a building official familiar with
9 enforcement of HVAC/R work.

10 (3) Except as provided in this subsection, the term of each member
11 shall be three years. The term of each initial member shall expire as
12 follows: (a) The terms of the first certified HVAC/R mechanic and the
13 first HVAC/R contractor shall expire July 1, 2009; (b) the terms of the
14 second certified HVAC/R mechanic, the second HVAC/R contractor, and the
15 public member shall expire July 1, 2010; and (c) the terms of the third
16 certified HVAC/R mechanic and the third certified HVAC/R contractor
17 shall expire July 1, 2011. To ensure that the board may continue to
18 act, a member whose term expires shall continue to serve until his or
19 her replacement is appointed. In the case of any vacancy on the board
20 for any reason, the governor shall appoint a new member to serve out
21 the term of the person whose position has become vacant.

22 (4) The board shall, at its first meeting, elect one of its members
23 to serve as chair.

24 (5) The board shall meet at least quarterly in accordance with a
25 schedule established by the board.

26 (6) The board shall:

27 (a) Conduct proceedings for denying applications, suspending or
28 revoking certificates, and imposing civil penalties or other remedies.
29 Such proceedings shall be conducted in accordance with chapter 34.05
30 RCW;

31 (b) Review and make recommendations to adopt, amend, or repeal any
32 rules under this chapter. The director may not adopt, amend, or repeal
33 any rules until the board has conducted its review and made its
34 recommendations;

35 (c) Establish an alternative method or methods for persons to
36 attest for hours of HVAC/R work when applying for certificates under
37 this chapter, but only when all traditional methods allowing for
38 verification of hours of HVAC/R work have been exhausted;

1 (d) Approve expenditures from the plumbing and HVAC/R certificate
2 fund; and

3 (e) Advise the department on all other matters relative to this
4 chapter.

5 (7) The members of the board are entitled to be reimbursed for
6 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

7 NEW SECTION. **Sec. 24.** ADMINISTRATION. (1) The director may adopt
8 rules necessary for the administration of this chapter.

9 (2) The department shall administer this chapter in conjunction
10 with its administration of chapter 18.106 RCW.

11 (3) In the administration of this chapter, the department shall not
12 enter any controversy arising over work assignments with respect to the
13 trades involved in the construction industry.

14 NEW SECTION. **Sec. 25.** EFFECT ON OTHER LAWS. With the exception
15 of sections 2(3), 8(7), 13 (6) and (7), 15(9), and 18(6) of this act,
16 nothing in this chapter shall be construed to:

17 (1) Modify, amend, or supersede chapter 18.106 or 19.28 RCW;

18 (2) Prohibit or restrict an individual who is certified under
19 chapter 18.106 or 19.28 RCW from engaging in the trade in which he or
20 she is certified; or

21 (3) Regulate or include plumbing work defined in chapter 18.106 RCW
22 and its applicable rules or electrical work defined in chapter 19.28
23 RCW and its applicable rules.

24 NEW SECTION. **Sec. 26.** COMPLIANCE AGENTS. (1) The director shall
25 appoint compliance agents to investigate alleged or apparent violations
26 of this chapter. The director, or authorized compliance agent, upon
27 presentation of appropriate credentials, may inspect and investigate
28 job sites at which an HVAC/R contractor had bid or presently is working
29 to determine whether the HVAC/R contractor is registered and their
30 employees are certified and working in accordance with this chapter or
31 the rules adopted under this chapter or whether there is a violation of
32 this act. Upon request of the compliance agent, an HVAC/R contractor
33 or an employee of the HVAC/R contractor shall provide information
34 identifying the HVAC/R contractor and those employees working on-site.

1 (2) If the employee of an unregistered HVAC/R contractor is cited
2 by a compliance agent, that employee is cited as the agent of the
3 employer, and issuance of the infraction to the employee is notice to
4 the unregistered HVAC/R contractor that the contractor is in violation
5 of this chapter. An employee who is cited by a compliance agent shall
6 not be liable for any of the alleged violations contained in the
7 citation unless the employee is also the unregistered HVAC/R contractor
8 or the employee is performing HVAC/R work that requires a certification
9 under this chapter without proper proof of the certification.

10 NEW SECTION. **Sec. 27.** NOTICE OF INFRACTION. The department may
11 issue a notice of infraction if the department reasonably believes that
12 a person has committed an infraction under this chapter. A notice of
13 infraction issued under this section shall be personally served on the
14 person named in the notice by the department's compliance agents or
15 service can be made by certified mail directed to the person named in
16 the notice of infraction at the last known address as provided to the
17 department.

18 NEW SECTION. **Sec. 28.** NOTICE OF INFRACTION FORM. The form of the
19 notice of infraction issued under this chapter shall include the
20 following:

21 (1) A statement that the notice represents a determination that the
22 infraction has been committed by the person named in the notice and
23 that the determination shall be final unless contested as provided in
24 this chapter;

25 (2) A statement that the infraction is a noncriminal offense for
26 which imprisonment shall not be imposed as a sanction;

27 (3) A statement of the violation that necessitated issuance of the
28 infraction;

29 (4) A statement of penalty involved if the infraction is
30 established;

31 (5) A statement of the options provided in this chapter for
32 responding to the notice and the procedures necessary to exercise these
33 options;

34 (6) A statement that at any hearing to contest the notice of
35 infraction the state has the burden of proving, by a preponderance of

1 the evidence, that the infraction was committed; and that the person
2 may subpoena witnesses, including the compliance agent of the
3 department who issued and served the notice of infraction;

4 (7) A statement that, at any hearing to contest the notice of
5 infraction against a person who is not properly registered or certified
6 as required under this chapter, the person given the infraction has the
7 burden of proving that the infraction did not occur;

8 (8) A statement that the person named on the notice of infraction
9 must respond to the notice in one of the ways provided in this chapter;
10 and

11 (9) A statement that the person's failure to timely select one of
12 the options for responding to the notice of infraction after receiving
13 a statement of the options provided in this chapter for responding to
14 the notice of infraction and the procedures necessary to exercise these
15 options is guilty of a gross misdemeanor and may be punished by a fine
16 or imprisonment in jail.

17 NEW SECTION. **Sec. 29.** VIOLATIONS. A violation designated as an
18 infraction under this chapter shall be heard and determined by an
19 administrative law judge of the office of administrative hearings. If
20 a person desires to contest the notice of infraction, the person shall
21 file a notice of appeal with the department specifying the grounds of
22 the appeal within twenty days of service of the infraction in a manner
23 provided by this chapter. The administrative law judge shall conduct
24 hearings in these cases at locations in the county where the infraction
25 occurred.

26 NEW SECTION. **Sec. 30.** RESPONSE TO NOTICE OF INFRACTION. (1) A
27 person who is issued a notice of infraction shall respond within twenty
28 days of the date of issuance of the notice of infraction.

29 (2) If the person named in the notice of infraction does not elect
30 to contest the notice of infraction, then the person shall pay to the
31 department, by check or money order, the amount of the penalty
32 prescribed for the infraction. When a response that does not contest
33 the notice of infraction is received by the department with the
34 appropriate penalty, the department shall make the appropriate entry in
35 its records.

1 (3) If the person named in the notice of infraction elects to
2 contest the notice of infraction, the person shall respond by filing
3 with the department specifying the appeal to the department in the
4 manner specified in this chapter.

5 (4) If any person issued a notice of infraction fails to respond
6 within the prescribed response period, the person shall be guilty of a
7 misdemeanor and prosecuted in the county where the infraction occurred.

8 (5) After final determination by an administrative law judge that
9 an infraction has been committed, a person who fails to pay a monetary
10 penalty within thirty days, that is not waived pursuant to this
11 chapter, and who fails to file an appeal shall be guilty of a
12 misdemeanor and be prosecuted in the county where the infraction
13 occurred.

14 (6) A person who fails to pay a monetary penalty within thirty days
15 after exhausting appellate remedies shall be guilty of a misdemeanor
16 and be prosecuted in the county where the infraction occurred.

17 (7) If a person who is issued a notice of infraction is a person
18 who has failed to register or be certified as required under this
19 chapter, the person is subject to a monetary penalty per infraction as
20 provided in the schedule of penalties established by the department,
21 and each day the person works without becoming registered or certified
22 is a separate infraction.

23 NEW SECTION. **Sec. 31.** CODIFICATION. Sections 1 through 30 of
24 this act constitute a new chapter in Title 18 RCW.

25 NEW SECTION. **Sec. 32.** CAPTIONS. Captions used in this act are
26 not any part of the law.

27 NEW SECTION. **Sec. 33.** SEVERABILITY. If any provision of this act
28 or its application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 34.** EFFECTIVE DATE. This act takes effect
32 January 1, 2009.

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